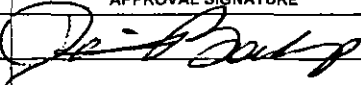
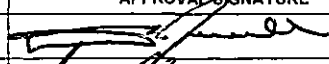
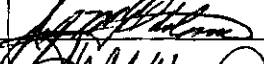
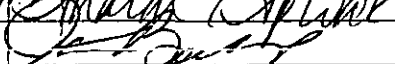
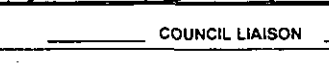


<b>001979</b> <b>REQUEST FOR COUNCIL ACTION</b> CITY OF SAN DIEGO		1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) <span style="float: right;">131</span> 12/02					
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): Engineering and Capital Projects Department					
		3. DATE: 08/13/08					
4. SUBJECT: <b>CONFLICT OF INTEREST CODE FOR ENGINEERING AND CAPITAL PROJECTS DEPT.</b>							
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) Sabrina Tatum, (619) 533-3139, MS 612		6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) Afshin Oskoui, (619) 533-5100, MS 908A					
		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input type="checkbox"/>					
<b>8. COMPLETE FOR ACCOUNTING PURPOSES</b>							
FUND			9. ADDITIONAL INFORMATION / ESTIMATED COST:  No fiscal impact.				
DEPT.							
ORGANIZATION							
OBJECT ACCOUNT							
JOB ORDER							
C.I.P. NUMBER							
AMOUNT							
<b>10. ROUTING AND APPROVALS</b>							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT		8/15/08	8	DEPUTY CHIEF		8/15/08
2				9	COO		8/15/08
3	CFO	Mary Herin	8/22/08	10	CITY ATTORNEY		11/7/08
4				11	ORIG. DEPT		10/3/08
5				DOCKET COORD: _____ COUNCIL LIAISON: _____			
6				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION 25 <input type="checkbox"/> REFER TO: _____    COUNCIL DATE: 12/02/08			
7							
11. PREPARATION OF: <input type="checkbox"/> RESOLUTIONS <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)  Adopting the revised Conflict of Interest Code for Engineering and Capital Projects Department.							
11A. STAFF RECOMMENDATIONS:  Approve the revised Conflict of Interest Code Appendix A as submitted, and Appendix B as submitted.							
12. SPECIAL CONDITIONS <u>COUNCIL DISTRICT(S):</u> ALL <u>COMMUNITY AREA(S):</u> CITYWIDE <u>ENVIRONMENTAL IMPACT:</u> N/A <u>HOUSING IMPACT:</u> N/A <u>OTHER ISSUES:</u> NONE							

001981

## EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED:

REPORT NO.:

ATTENTION: City Council

ORIGINATING DEPARTMENT: Engineering and Capital Projects

SUBJECT: Conflict of Interest Code for Engineering & Capital Projects Department

COUNCIL DISTRICT(S): All

STAFF CONTACT: SABRINA TATUM/Afshin Oskoui, (619)533-3139/(619)533-5100

REQUESTED ACTION: Adopting the revised Conflict of Interest Code for the Engineering & Capital Projects Department

STAFF RECOMMENDATION:

Approve the revised Conflict of Interest Code

EXECUTIVE SUMMARY:


This revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008. The Engineering and Capital Projects Department code has been revised to include new positions, which had not been previously designated, and remove positions and identify changes in responsibilities due to the City Council approved Engineering Services Business Process Re-engineering. The Department is also revising a disclosure category.


FISCAL CONSIDERATIONS: None

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable): N/A

  
Patti Boekamp  
Engineering & Capital Projects Director

  
David Jarrell  
Deputy Chief Public Works

## 2008 Local Agency Biennial Notice

001983

Name of Agency: City of San Diego - Engineering & Capital Projects  
Mailing Address: 1010 Second Ave, Suite 1100, MS 611  
Contact Person: Dianne Modelo  
Phone Number: 619-533-3759 Fax Number: 619-533-3071  
E-mail: DModelo@sandiego.gov

This agency has reviewed its conflict of interest code and has determined that:

☒ The code needs to be amended and the following amendments are necessary:

*(Check all that apply)*

- ☒ Include new positions (including consultants) which must be designated (App. A)
- ☐ Delete positions that manage public investments from the list of designated positions.
- ☒ Revise disclosure categories (App. B)
- ☐ Revise the titles of existing positions (App. A)
- ☐ Delete the titles of positions that have been abolished (App. A)

☐ No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

  
\_\_\_\_\_  
Signature of Chief Executive Officer

8/15/08  
\_\_\_\_\_  
Date

You must complete this report regardless of how recently your code was approved or amended.

**Please return this report by August 22, 2008, to:**

Denise Jenkins, Elections Analyst  
Office of the City Clerk  
202 C Street, MS 2A, San Diego, CA 92101

## **CERTIFICATION**

The foregoing amendment to the Conflict of Interest Code was prepared by the City of

San Diego's Engineering & Capital Projects Department  
(name of department/agency/board)

after a fair opportunity was offered to the members of the department/agency/board to present their views.



(signature of executive officer)

8/15/08

(date)

# ENGINEERING & CAPITAL PROJECTS DEPARTMENT CONFLICT OF INTEREST CODE

## APPENDIX A DESIGNATED POSITIONS, DUTIES AND CATEGORIES

POSITIONS	DUTIES	CATEGORY	
Engineering & Capital Projects Director	Policy formulation, contract approval, management of CIP and construction related projects, redevelopment projects, budget administration, public relations, and management.	1	<del>Deleted: Resolution #R-299950</del> <del>Adopted 12/7/04</del> <del>Formatted: Font: 11 pt</del> <del>Deleted: subdivision approval, redevelopment</del> <del>Deleted: ,</del> <del>Deleted: ,</del> <del>Deleted: designated City Engineer</del> <del>Deleted: ,</del> <del>Formatted: Font: 11 pt</del> <del>Deleted: to the</del> <del>Deleted: P</del> <del>Formatted: Font: 11 pt</del> <del>Deleted: ,</del> <del>Deleted:</del>
Assistant Director	Policy formulation, contract approval, management of CIP and construction related projects, subdivision approval, redevelopment projects, designated City Engineer, budget administration, public relations, and management.	1	<del>Deleted: olicy formulation, contract approval, budget administration, public relations, special projects</del> <del>Deleted: C</del> <del>Deleted: approval</del> <del>Deleted: Deputy Director/Supervising Management Analyst(s) (EOC)</del> <del>Formatted: Font: (Default) Times New Roman, 11 pt, Font color: Auto</del> <del>Deleted:</del>
Deputy Director(s)	Direct daily operations, contract preparation, consultant management, contract administration and payment approvals, material approval, subdivision and CIP approval, redevelopment projects, develop and manage CIP, designated Deputy City Engineer responsibilities, and management.	1	<del>Formatted: Font: (Default) Times New Roman, 11 pt, Font color: Auto</del> <del>Deleted:</del> <del>Formatted: Font: (Default) Times New Roman, 11 pt, Font color: Auto</del> <del>Deleted: I</del> <del>Formatted: Font: (Default) Times New Roman, 11 pt, Font color: Auto</del> <del>Formatted: Font: (Default) Times New Roman, Font color: Auto</del> <del>Deleted: Direct daily operations and ensure City policy is followed; develop and monitor equal opportunity</del> ... [1] <del>...</del> [2] <del>Deleted: Project Officer II</del> ... [3] <del>Deleted:</del> <del>Deleted: C</del> <del>Deleted: ,</del> <del>Deleted:</del> <del>Deleted:</del> <del>Deleted: Senior Structural Proj</del> ... [4] <del>Deleted: Officer.</del> <del>Deleted: ,</del> <del>...</del> [5] <del>Deleted: Senior Civil Engineer</del> ... [6] <del>...</del> [7]
Information Systems Analyst IV	Coordinates the development, testing, implementation and modification of the department's Information Systems (IS). Provides direction to application support staff in the day-to-day maintenance of systems and leads the activities of other IS professional and sub-professional personnel. Additional roles include IS strategic planning, project management, engineering and business application support and administering citywide IS policies, procedures, and budgets.	1	
Senior Civil Engineer(s) Project Officer II(s) (CIP, ADA, Development review, GRC, Asset Management)	Manage consultant agreements, design & construction management, material approval, CIP design, and subdivision approval, contract payment, and project management; oversight of contract preparation and administration, supervise the Long-Range Planning section; supervise the design, survey and inspection function for construction projects; review and monitoring of projects for ADA/Title 24 Compliance; designated Deputy City Engineer responsibilities.	1	

Deleted: Senior Civil Engineer  
(Water and Sewer Design) ... [8]

Senior Land Surveyor Land surveys, subdivision review, City-wide mapping and survey consultant; designated Deputy City Engineer responsibilities. 1

Deleted:

Project Officer II  
(Environmental) Review, recommend for selection, select and manage consultant contracts; assist in the environmental review process; address permitting issues, review staff or consultant documents, work and negotiate with resource agencies to secure permits, and review mitigation plans and costs. 1

Deleted: Senior Planner

Deleted: Senior Public Information Officer

Deleted: (Water and Sewer Design)

Deleted: and

Deleted: 1

Senior Traffic Engineer(s) Oversight of traffic engineering operations, supervise the design and checking of plans and specifications for traffic related infrastructure such as signals, streetlights, etc. Designated Deputy City Engineer responsibilities. 1

Deleted: review public information recommendations, planning documents and plans.

Deleted: Senior Public Information Officer

Deleted: Review public information recommendations, planning documents and plans

Supervising Management Analyst(s) Supervise professional staff, confers with department officials in solution of administrative, fiscal or organizational problems. 1

Deleted: Senior Planner  
(Transportation Engineering) ... [9]

... [10]

Consultant Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:  
The Engineering & Capital Projects Director, Assistant Director, and Deputy Directors may determine... in writing that a particular consultant, although a "designated position" is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and based upon that description, a statement of the extent of disclosure requirements. The Engineering & Capital Projects Director, Assistant Director, and Deputy Director's determination is public record and shall be retained for public inspection in the same manner and location as this conflict of interest code. 2

Deleted:

Deleted: 1

Deleted: (Transportation Engineering)

Deleted: S

Deleted: s

... [11]

Deleted: Contracts Administrator  
(Architectural Engineering and Contracts)

Deleted: Confers with department officials in solution of contract preparation and contract administration issues.

Deleted: 1

... [12]

**ENGINEERING & CAPITAL PROJECTS DEPARTMENT  
CONFLICT OF INTEREST CODE**

**APPENDIX B  
DISCLOSURE CATEGORIES**

**Category 1:** All real property interests located within the City of San Diego or within a 2 mile radius of its boundaries.

Investments and business positions in and income, including gifts from any construction firm, building supply firm, real estate or land development firm, architectural or engineering firm or financial institution doing business in the City of San Diego or having the potential of doing business in or with the City of San Diego (See Section 7.B & 7.C).

**Category 2:** Disclosure by Consultants

As Required Consultants shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The Engineering & Capital Projects Director and Deputy Directors may determine in writing that a particular consultant, although a "designated position" is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Engineering & Capital Projects Director and Deputy Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

## ENGINEERING & CAPITAL PROJECTS DEPARTMENT CONFLICT OF INTEREST CODE

### APPENDIX A DESIGNATED POSITIONS, DUTIES AND CATEGORIES

<u>POSITIONS</u>	<u>DUTIES</u>	<u>CATEGORY</u>
Engineering & Capital Projects Director	Policy formulation, contract approval, management of CIP and construction related projects, redevelopment projects, budget administration, public relations, and management.	1
Assistant Director	Policy formulation, contract approval, management of CIP and construction related projects, subdivision approval, redevelopment projects, designated City Engineer, budget administration, public relations, and management.	1
Deputy Director(s)	Direct daily operations, contract preparation, consultant management, contract administration and payment approvals, material approval, subdivision and CIP approval, redevelopment projects, develop and manage CIP, designated Deputy City Engineer responsibilities, and management.	1
Information Systems Analyst IV	Coordinates the development, testing, implementation and modification of the department's Information Systems (IS). Provides direction to application support staff in the day-to-day maintenance of systems and leads the activities of other IS professional and sub-professional personnel. Additional roles include IS strategic planning, project management, engineering and business application support and administering citywide IS policies, procedures, and budgets.	1
Senior Civil Engineer(s) Project Officer II(s) (CIP, ADA, Development review, GRC, Asset Management)	Manage consultant agreements, design & construction management, material approval, CIP design, and subdivision approval, contract payment, and project management; oversight of contract preparation and administration, supervise the Long-Range Planning section; supervise the design, survey and inspection function for construction projects; review and monitoring of projects for ADA/Title 24 Compliance; designated Deputy City Engineer responsibilities.	1



001991

Senior Land Surveyor	Land surveys, subdivision review, City-wide mapping and survey consultant; designated Deputy City Engineer responsibilities.	1
Project Officer II (Environmental)	Review, recommend for selection, select and manage consultant contracts; assist in the environmental review process: address permitting issues, review staff or consultant documents, work and negotiate with resource agencies to secure permits, and review mitigation plans and costs.	1
Senior Traffic Engineer(s)	Oversight of traffic engineering operations, supervise the design and checking of plans and specifications for traffic related infrastructure such as signals, streetlights, etc. Designated Deputy City Engineer responsibilities.	1
Supervising Management Analyst(s)	Supervise professional staff, confers with department officials in solution of administrative, fiscal or organizational problems.	1
Consultant	Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The Engineering & Capital Projects Director, Assistant Director, and Deputy Directors may determine in writing that a particular consultant, although a "designated position" is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and based upon that description, a statement of the extent of disclosure requirements. The Engineering & Capital Projects Director, Assistant Director, and Deputy Director's determination is public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.	2

001992 **ENGINEERING & CAPITAL PROJECTS DEPARTMENT**  
**CONFLICT OF INTEREST CODE**

**APPENDIX B**  
**DISCLOSURE CATEGORIES**

**Category 1:** All real property interests located within the City of San Diego or within a 2 mile radius of its boundaries.

Investments and business positions in and income, including gifts from any construction firm, building supply firm, real estate or land development firm, architectural or engineering firm or financial institution doing business in the City of San Diego or having the potential of doing business in or with the City of San Diego (See Section 7.B & 7.C).

**Category 2:** **Disclosure by Consultants**

**As Required** Consultants shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation: The Engineering & Capital Projects Director and Deputy Directors may determine in writing that a particular consultant, although a "designated position" is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Engineering & Capital Projects Director and Deputy Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

001993

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

RESOLUTION ADOPTING A REVISED CONFLICT OF  
INTEREST CODE FOR THE ENGINEERING AND CAPITAL  
PROJECTS DEPARTMENT

WHEREAS, Government Code sections 87300 and 87302 require local agencies to adopt conflict of interest codes designating positions that involve the making or participation in making of decisions which may foreseeably have a material effect on financial interests, and for each position, the financial interests which are reportable; and

WHEREAS, in compliance with Government Code section 87306.5, the City is in the midst of a required City-wide biennial review of all conflict of interest codes for which the City Council serves as code-reviewing body; and

WHEREAS, by Resolution R-303718 (approved by the City Council on May 20, 2008), the City Council directed every City department, agency, board and commission for which the City Council serves as code-reviewing body to make biennial reports and to update their conflict of interest codes as necessary; and

WHEREAS, as the City's code-reviewing body, the City Council finds it in the public interest to adopt the standard conflict of interest code promulgated by the California Fair Political Practices Commission [FPPC] in Regulation 18730, and hereby declares its intention to incorporate by reference the terms of FPPC Regulation 18730 and any amendments to that regulation duly adopted by the FPPC as part of each conflict of interest code for which the City Council has responsibility; and

WHEREAS, by Resolution No. R-299950, the City Council on December 7, 2004, approved a revised Conflict of Interest Code for the Engineering and Capital Projects Department; and

WHEREAS, the Engineering and Capital Projects Department now seeks to revise its conflict of interest code to include new positions and new descriptions of duties, delete positions, and revise a disclosure category; and

WHEREAS, the City Council concurs that a revised Conflict of Interest Code be adopted for the Engineering and Capital Projects Department; and

WHEREAS, Government Code section 87303 provides that when a proposed conflict of interest code or amendment is approved by the code-reviewing body, it shall be deemed adopted, and, accordingly, this resolution is not subject to veto by the Mayor; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Conflict of Interest Code for the Engineering and Capital Projects Department is hereby adopted, consisting of standard language embodied in title 2, section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories.

BE IT FURTHER RESOLVED, that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Engineering and Capital Projects Department as adopted be placed on file in the Office of the City Clerk as Document No. RR-\_\_\_\_\_.

BE IT FURTHER RESOLVED, that the persons whose positions are designated in the revised Conflict of Interest Code for the Engineering and Capital Projects Department shall file

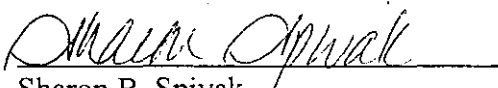
001995

their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements.

BE IT FURTHER RESOLVED, that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction.

BE IT FURTHER RESOLVED, that the Conflict of Interest Code for the Engineering and Capital Projects Department becomes effective upon the date of adoption of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Sharon B. Spivak  
Deputy City Attorney

SBS:als  
11/7/08  
Or.Dept:Engineering & Capital Projects  
R-2009-211